



## **AGENDA**

### **REGULAR MEETING OF THE BANNING CITY COUNCIL**

### **CITY OF BANNING, CALIFORNIA**

**March 8, 2022**

**5:00 p.m.**

**In Chambers and via Zoom**

Council Chambers  
99 E. Ramsey Street  
Banning, CA 92220

*The following information comprises the agenda for the regular meeting of the Banning City Council, a joint meeting of the City Council and Banning Utility Authority, and the Banning City Council sitting in its capacity as the Banning Successor Agency Board.*

***This meeting is being held via Zoom so that members of the public may observe and participate in this meeting electronically. If you participate in this meeting via Zoom, you are agreeing to abide by the City's Zoom Community Standards for Public Meetings (provided in full on the last page of the agenda). Esta reunión se lleva a cabo en la Cámara y a través de Video/Teleconferencia en Zoom para que los miembros del público puedan observar y participar en esta reunión de manera electrónica. Si elige participar en esta reunión a través de Zoom, acepta cumplir con los Estándares comunitarios de Zoom para reuniones públicas de la ciudad (que se proporcionan en su totalidad en la última página de la agenda).***

To observe and participate in the online video portion of the meeting through your personal computer or device, follow this link:

<https://us02web.zoom.us/j/81007280759?pwd=d0JCK0oyeGhOQk5Cek1kd3FJUmlsQT09>

**Meeting ID: 810 0728 0759**

**Password: 092220**

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*Per City Council Resolution 2016-44, matters taken up by the Council before 10 p.m. may be concluded, but no new matters shall be taken up except upon a unanimous vote of the council members present and voting. Such an extension shall only be valid for one hour and each hour thereafter shall require a renewed action for the meeting to continue.*

#### **1. CALL TO ORDER**

- 1.1. Invocation – *Pastor Squires from Bethany Bible Church*
- 1.2. Pledge of Allegiance
- 1.3. Roll Call

#### **2. AGENDA APPROVAL**

- 2.1. Approve Agenda

**3. PRESENTATION(S)**

- 3.1. Dear California Presentation - Steven Shaw & Pastor Brian.....7

**4. REPORT ON CLOSED SESSION**

- 4.1. City Attorney

**5. PUBLIC COMMENTS, CORRESPONDENCE, APPOINTMENTS, CITY COUNCIL COMMITTEE REPORTS, CITY MANAGER REPORT, AND CITY ATTORNEY REPORT**

- 5.1. PUBLIC COMMENTS – Non-Agenda Items Only

*A three (3) minute limitation shall apply to each member of the public who wishes to address the Mayor and Council on a matter not on the agenda. No member of the public shall be permitted to share their time with any other member of the public. Usually, any items received under this heading are referred to staff for future study, research, completion, and/or future Council Action (see Item 10). **PLEASE STATE YOUR NAME FOR THE RECORD.** ~ Se aplicará una limitación de tres (3) minutos a cada miembro del público que desee dirigirse al Alcalde y al Concejo sobre un asunto que no esté en la agenda. A ningún miembro del público se le permitirá compartir su tiempo con ningún otro miembro del público. Por lo general, cualquier artículo recibido bajo este encabezado se envía al personal para su estudio, investigación, finalización y / o acción futura del Consejo en el futuro (consulte el artículo 10). **POR FAVOR INDIQUE SU NOMBRE PARA EL REGISTRO.***

- 5.2. CORRESPONDENCE

*Items received under this category may be received and filed or referred to staff for future research or a future agenda.*

- 5.3. APPOINTMENTS

- 5.4. CITY COUNCIL COMMITTEE REPORTS

- 5.5. CITY MANAGER REPORT

- 5.6. CITY ATTORNEY REPORT

**6. CONSENT ITEMS**

*(The following items have been recommended for approval and will be acted upon simultaneously, unless a member of the City Council/Banning Utility Authority/Successor Agency Board wishes to remove an item for separate consideration.)*

**Mayor to Open Consent Items for Public Comments**

**Motion: Approve consent items 6.1 to 6.9.**

*Resolutions require a recorded majority vote of the total membership of the City Council/Banning Utility Authority.*

- 6.1. Approval of Minutes of the February 17 and February 22, 2022 City Council Meetings.....11

- 6.2. Adopt City Council Resolution No. 2022-21, A Resolution of the City Council of the City of Banning, California, Continuing to Authorize Public Meetings of All City Legislative Bodies to be Held with a Teleconference Option for Members of those Bodies and the Public Pursuant to Government Code Section 54953(e), and Making Findings and Determinations Regarding the Same.....**12**
- 6.3. Resolution 2022-01 HA, Approval of Subordination Agreement for a Home Improvement Forgivable Loan..... **15**
- 6.4. Consideration of Resolution 2022-23 Authorizing the Purchase of 520 East Williams Street by the Banning Electric Utility Pursuant to Banning Electrical Utility's Economic Development Element ..... **17**
- 6.5. Accept Various Improvements within the Atwell Specific Plan Development and Authorize the 90% Bond Exoneration for Various Improvement Bonds.. **20**
- 6.6. Proposed Amendment to IBEW Utility Unit MOU to Add Powerline Technician Apprenticeship Agreement .....**22**
- 6.7. Adopt Resolution 2022-20, Approving Amendment No. 4 to the Professional Services Agreement with Engineering Resources of Southern California (ERSC) to Extend the Term for an Additional Year and to Increase the Total Compensation by \$1,000,000 for Plan Check, Inspections and Related Administrative Services.....**24**
- 6.8. Resolution 2022-22, Approving a Change Order in the Amount of \$35,000 to the Existing Purchase Order with Lee's Auto Body for as Needed Auto Body Repair Services ..... **27**
- 6.9. Approve Notice of Completion for Project No. 2021-02, "AC Overlay for Various Streets".....**29**

## **7. PUBLIC HEARING(S)**

- 7.1. Ordinance 1581, an Ordinance of the City of Banning Adjusting the Boundaries of the Five (5) City Council Districts and Adopting a New Official Council District Map for the City of Banning Based on the Results of the 2020 Decennial Census..... **31**  
(*Staff Report: Kevin Ennis, City Attorney*)

**Recommendation:** (1) Open the public hearing and receive public comment and input regarding Ordinance 1581, an Ordinance of the City of Banning adjusting the boundaries of the five (5) City Council Districts and adopting a new official Council District Map for the City of Banning based on the results of the 2020 Decennial Census; and (2) Introduce Ordinance No. 1581 for first reading and direct that it be placed on the City Council agenda for second reading and adoption at the March 22, 2022 City Council Meeting.

- 7.2 Consideration of Resolution 2022-24 Approving Tentative Parcel Map 38206 (TPM 21-4502), A Proposed Subdivision of One (1) 0.71-Acre Parcel into Two (2) Single-Family Residential Lots within the Low-Density Residential District and Located Southernly of Wilson Street and Approximately 400-Feet Westerly of Via Panorama Court (APN: 540-020-073)..... **36**  
(*Staff Report: Adam Rush, Community Development Director*)

**Recommendation:** Staff recommends that the City Council Adopt Resolution No. 2022-24: (1) In accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Tentative Parcel Map No. 38206 and determined that pursuant to CEQA Section 15315 (Minor Land Divisions), the Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA"); and, (2) Approving Tentative Parcel Map No. 38206, subject to compliance with the Conditions of Approval, which are attached herein.

**8. REPORTS OF OFFICERS**

None

**9. DISCUSSION ITEM(S)**

None

**10. ITEMS FOR FUTURE AGENDAS**

10.1. New Items

10.2. Pending Items:

1. Permanent Homeless Solution
2. Shopping Cart Ordinance Update
3. Golf Cart/EV Ordinance (On hold)
4. Airport Advisory Commission
5. Business-Friendly Zoning (Wallace)

**11. ADJOURNMENT**

***Next Regular Meeting – March 22, 2022 at 5:00 p.m.***

### **Zoom Community Standards for Public Meetings**

*By participating in this meeting on Zoom, you are agreeing to abide by the City of Banning's Community Standards for Public Meetings. Zoom attendees that fail to adhere to these standards may be removed from the meeting room.*

- Your microphone must remain on mute, and you may only unmute your microphone when/if you are recognized by the Mayor.
- Your camera must be turned off unless/until you are recognized by the Mayor.
- To indicate a desire to make Public Comment, you must use the Raise Hand function. The Mayor will not recognize those who have not used the Raise Hand function.
- Public Comment from Zoom attendees will immediately follow in person comment from members of the public in Council Chambers.
- If you fail to adhere to these community guidelines, **you may be removed** for disrupting the meeting occurring in Council Chambers. You may rejoin the meeting but may be removed for each violation of these community standards.
- The chat function will be disabled for all City Council meetings on Zoom.

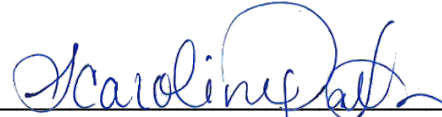
### **Estándares comunitarios de Zoom para Reuniones Públicas**

*Al participar en esta reunión en Zoom, usted acepta cumplir con los Estándares Comunitarios para Reuniones Públicas de la ciudad de Banning. Los que atienden por Zoom que no cumplan con estos estándares pueden ser retirados de la sala de reuniones.*

- Su micrófono debe permanecer en silencio, y solo puede reactivar su micrófono cuando / si es reconocido por el alcalde.
- Su cámara debe estar apagada a menos que sea reconocido por el alcalde.
- Para indicar el deseo de hacer un Comentario Público, debe utilizar la función Levantar la mano. El alcalde no reconocerá a quienes no hayan utilizado la función Levantar la mano.
- Los comentarios públicos de lo que atienden por Zoom seguirán inmediatamente los comentarios en persona de los miembros del público en las Cámaras del Consejo.
- Si no cumple con estas pautas de la comunidad, es posible que lo destituyan por interrumpir la reunión que tiene lugar en las Cámaras del Consejo. Puede volver a unirse a la reunión, pero es posible que lo eliminen por cada violación de estos estándares de la comunidad.
- La función de chat estará deshabilitada para todas las Reuniones del Ayuntamiento en Zoom.

## **AFFIDAVIT • DECLARACIÓN JURADA**

IT IS HEREBY CERTIFIED under the laws of the State of California that the above agenda was posted on the City's website ([www.banningca.gov](http://www.banningca.gov)) as well as the Bulletin Board at Banning City Hall, located at 99 E Ramsey Street, Banning, CA 92220 by 5:00 P.M. on the 3rd day of March 2022.

  
Caroline Patton, Deputy City Clerk  
Secretario adjunto de la ciudad

## **PUBLIC NOTICE • NOTICIA PÚBLICA**

### **Meeting Agendas and Notices**

Interested in receiving email and/or text notifications of upcoming City Council meetings? Sign up for meeting notifications through Notify Me (<https://banningca.gov/list.aspx>). Pursuant to amended Government Code §54957.5(b), staff reports and other public records related to open session agenda items are available on the City's website ([www.banningca.gov/archive](http://www.banningca.gov/archive)).

### **Public Comment**

#### *Agenda Items*

Any member of the public may address this meeting of the City Council on any item appearing on the agenda. A five-minute limitation shall apply to each member of the public and no member of the public shall be permitted to share their time with any other person.

#### *Non-Agenda Items*

Any member of the public may address this meeting of the Council on any item which does not appear on the regular meeting agenda but is of interest to the general public and is an item upon which the Council may act. A three-minute limitation shall apply to each member of the public and no member shall be permitted to share their time with any other person. No action shall be taken, nor discussion held by the Council, on any item which does not appear on the agenda, unless the action is otherwise authorized in accordance with the provisions of subdivision (b) of §54954.2 of the Government Code.

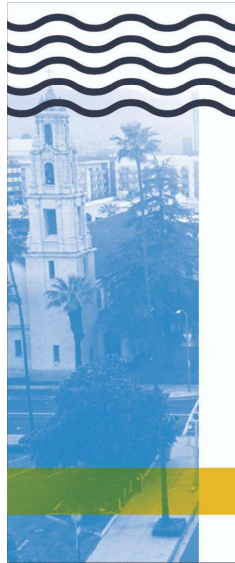
### **Special Assistance/Accessibility Requests**

In compliance with the Americans with Disabilities Act, any member of the public may request that the agenda and agenda packet be mailed to them. If you need special assistance to participate in this meeting (such as translation services), please contact the Office of the City Clerk. Advanced notification of at least 48 hours prior to the meeting will allow the city to make arrangements to ensure your accessibility.

**¿Necesita servicios de traducción para participar?** Contacto Oficina del Secretario de la Ciudad.

## **CONTACT • CONTACTO**

Office of the City Clerk • 951-922-3102 • [CityClerks@banningca.gov](mailto:CityClerks@banningca.gov)  
99 East Ramsey Street, Banning, California 92220

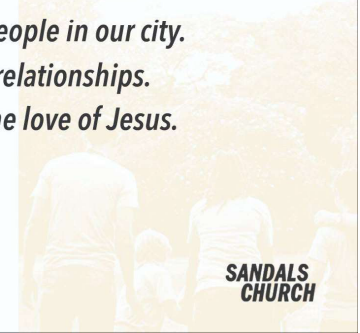


## How will we show love?

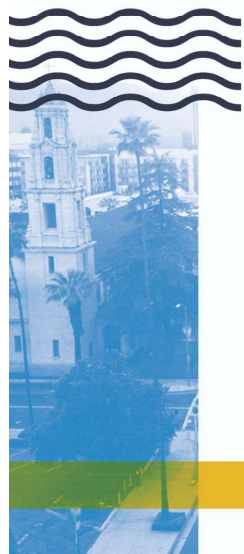
**SERVE** the practical needs of people in our city.

**MODEL** real love through real relationships.

**INVITE** people to experience the love of Jesus.



SANDALS  
CHURCH



## What is Dear California?

Think of it as a love letter to our state!

*Dear California is a movement across our cities and communities to show real love in a tangible way. Simple acts of selfless love can open hearts to Jesus, and together we can make a difference.*

SANDALS  
CHURCH

## TIMELINE

### MONTH OF MARCH

#### **OUTREACH PROJECT PLAN:**

PROJECT COACHES PLAN OUT ALL DETAILS FOR THEIR PROJECT  
ALL MATERIALS AND SUPPLIES ARE ORDERED FOR PROJECTS  
PLAN AND LEAD AS MANY PROJECT COACH MEETINGS AS YOU NEED  
VOLUNTEERS ARE COMMUNICATED TO AND ASSIGNED TO A PROJECT

#### **COMMUNITY ENGAGEMENT PLAN:**

COMMUNITY ENGAGEMENT AND EXCITEMENT PLAN ROLLED OUT  
EXECUTE INTERNAL INVITE STRATEGY TO RECRUIT VOLUNTEERS (PEOPLE WHO ATTEND SC)  
EXECUTE EXTERNAL INVITE STRATEGY TO RECRUIT VOLUNTEERS (PEOPLE WHO DON'T ATTEND SC)

**DEAR  
CALIFORNIA,**

SANDALS  
CHURCH



**TIMELINE**

**APRIL 9, 2022**  
 DEAR CALIFORNIA: THE BIG DAY




**DEAR CALIFORNIA,**

**VOLUNTEER GOAL**

**4K** VOLUNTEERS

**SANDALS CHURCH**

**DEAR CALIFORNIA,**

**BUILDING YOUR REAL TEAM**  
 DELEGATE - EMPOWER - MOTIVATE

COACH	COACH	COACH	COACH	COACH	COACH	COACH	COACH
VOLUNTEER LEADER	VOLUNTEER LEADER	VOLUNTEER LEADER	VOLUNTEER LEADER	VOLUNTEER LEADER	VOLUNTEER LEADER	VOLUNTEER LEADER	VOLUNTEER LEADER
SAFETY LEADER	SAFETY LEADER	SAFETY LEADER	SAFETY LEADER	SAFETY LEADER	SAFETY LEADER	SAFETY LEADER	SAFETY LEADER
TEAM MEMBERS	TEAM MEMBERS	TEAM MEMBERS	TEAM MEMBERS	TEAM MEMBERS	TEAM MEMBERS	TEAM MEMBERS	TEAM MEMBERS

**DEAR CALIFORNIA,**

**CHOOSING OUTREACH PROJECTS**

**SANDALS CHURCH**



**DEAR  
CALIFORNIA,**

## **PROJECT IDEAS**

TRASH PICKUP  
GROCERY STORE OUTREACH  
FREE HAIRCUT TENT  
FAMILY CARNIVAL EVENTS  
HOMELESS SHELTER OUTREACH  
LANDSCAPE PROJECTS  
BASEBALL FIELD/PARK CLEAN UPS  
PAINTING FENCES IN PARK  
NEIGHBORHOOD CLEANUPS  
FOSTER CARE CENTER

DOMESTIC VIOLENCE SHELTERS  
COMMUNITY BLOOD DRIVE  
SPORTS CAMP  
DELIVER MEALS TO PEOPLE  
CITY BEAUTIFICATION PROJECTS  
NURSE/FIRST RESPONDER OUTREACHES  
WASH THE FIRE TRUCKS IN YOUR CITY  
PAINT A MURAL FOR YOUR CITY  
SERVE AT YOUR LOCAL FOOD PANTRY  
DOOR TO DOOR INVITE

RENT OUT AN ICE CREAM TRUCK  
NEIGHBORHOOD BLOCK PARTIES  
NURSING HOME MINISTRY  
STARBUCKS BUY DOWN  
SETUP A BIKE-A-THON  
SETUP A 5K RUN  
GRAFFITI CLEANUP  
SPECIAL NEEDS PROM  
FREE CAR WASH  
AND MORE....

**SANDALS  
CHURCH**

**DEAR  
CALIFORNIA,**

## **PLANNING OUTREACH PROJECTS**

**SANDALS  
CHURCH**

**DEAR  
CALIFORNIA,**

## **PEOPLE GROUPS TO THINK ABOUT**

GOD'S ANSWER TO A BROKEN WORLD IS HIS CHURCH

**THE HUNGRY  
THE WIDOW  
THE ORPHAN  
THE UNREACHED  
THE LONELY**

**THE POOR  
THE VULNERABLE  
THE EXPLOITED  
THE ADDICTED  
THE PRISONER**

**SANDALS  
CHURCH**

**DEAR  
CALIFORNIA,**

## **NETWORK ASSETS**

INFO FLYER FOR STRATEGIC PARTNERS AND CITY OFFICIALS  
PROMOTIONAL MATERIALS FOR CAMPUS & CITY

DEAR CALIFORNIA SHIRTS  
BRANDED NAME TAG STICKERS  
4 X 6 THANK YOU/INVITE CARDS FOR VOLUNTEERS  
4 X 6 EASTER INVITE CARDS FOR DISTRIBUTION  
"SANDALS CHURCH LOVES ..." YARD SIGNS

**SANDALS  
CHURCH**

**DEAR  
CALIFORNIA,**

## **REMEMBER THE “WHY”**

WE WANT TO SATURATE OUR CITIES AND COMMUNITY WITH REAL LOVE.  
WE WANT TO BE THE HANDS AND FEET OF JESUS IN OUR COMMUNITIES.  
DEAR CALIFORNIA GIVES OUR PEOPLE OPPORTUNITIES TO SERVE THEIR  
LOCAL COMMUNITIES AND SHARE THE LOVE OF GOD THROUGH PRACTICAL  
ACTS OF KINDNESS.

**SANDALS  
CHURCH**





## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Caroline Patton, Deputy City Clerk *CP*

**MEETING DATE:** March 8, 2022

**SUBJECT:** Minutes of the February 17 and February 22, 2022 City Council Meetings

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**RECOMMENDATION:**

Approve the minutes of the February 17 and February 22, 2022 City Council Meetings.

**ALTERNATIVES:**

1. Approve as recommended.
2. Approve with modifications.

**ATTACHMENTS:**

1. Minutes of the February 17, 2022 Special City Council Meeting at 4:00 p.m.  
[https://banningca.gov/DocumentCenter/View/10200/2022-02-17\\_Minutes\\_Special-Meeting](https://banningca.gov/DocumentCenter/View/10200/2022-02-17_Minutes_Special-Meeting)
2. Minutes of the February 17, 2022 Special City Council Meeting at 5:00 p.m.  
[https://banningca.gov/DocumentCenter/View/10199/2022-02-17\\_Minutes\\_Special-Meeting\\_MAIN](https://banningca.gov/DocumentCenter/View/10199/2022-02-17_Minutes_Special-Meeting_MAIN)
3. Minutes of the February 22, 2022 Special City Council Meeting at 4:00 p.m.  
[https://banningca.gov/DocumentCenter/View/10201/2022-02-22\\_Minutes\\_Special-Meeting](https://banningca.gov/DocumentCenter/View/10201/2022-02-22_Minutes_Special-Meeting)
4. Minutes of the February 22, 2022 Regular City Council Meeting at 5:00 p.m.  
[https://banningca.gov/DocumentCenter/View/10202/2022-02-22\\_Minutes\\_Regular-Meeting](https://banningca.gov/DocumentCenter/View/10202/2022-02-22_Minutes_Regular-Meeting)

Approved by:

Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager  
Kevin G. Ennis, City Attorney

**PREPARED BY:** Kevin G. Ennis, City Attorney

**MEETING DATE:** March 8, 2022

**SUBJECT:** Adopt City Council Resolution No. 2022-21, A Resolution of the City Council of the City of Banning, California, Continuing to Authorize Public Meetings of All City Legislative Bodies to be Held with a Teleconference Option for Members of those Bodies and the Public Pursuant to Government Code Section 54953(e), and Making Findings and Determinations Regarding the Same

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### **RECOMMENDATION:**

Staff recommends that the City Council adopt proposed City Council Resolution No. 2022-21, a Resolution of the City Council of the City of Banning, California, continuing to authorize the public meetings of all City legislative bodies to be held with a teleconference option for members of those bodies and the public pursuant to Government Code Section 54953(e), and making findings and determinations in compliance with that law (**Attachment 1**).

### **BACKGROUND:**

On March 17, 2020, near the beginning of the COVID-19 pandemic, Governor Newsom issued Executive Order (“EO”) N-29-20 that “relaxed” the teleconferencing requirements of the Brown Act to facilitate virtual meetings during the COVID-19 declared emergency. The City Council and City’s Planning and Parks and Recreation Commissions thereafter met remotely throughout portions of the pandemic to protect the health and safety of the public, staff, and commissioners. The relaxed Brown Act rules expired on September 30, 2021.

In its place, the Legislature passed Assembly Bill (“AB”) 361, which became effective October 1, 2021. Under AB 361, the Brown Act now provides that a Brown Act body, such as the City Council or a City Commission, that wants to continue to allow remote teleconference attendance by one or more its members may do so only if the Brown Act body makes one of three potential findings: (1) that it is meeting during a proclaimed state

of emergency, and state or local officials have imposed or recommended measures to promote social distancing; (2) the Brown Act body determines by majority vote that, whether as a result of the emergency, meeting in person would present an imminent risk to the health or safety of attendees; or (3) that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

On November 9, 2021, the City Council adopted Resolution No. 2021-111, finding, as required by AB 361, that the City's legislative bodies continue to hold meetings during the COVID-19 pandemic, and state and local officials have imposed or recommend measures to promote social distancing. On December 14, 2021 and January 11, 2022, the City Council reaffirmed and readopted those same findings in Resolutions 2021-121, 2022-01, and 2022-10.

AB 361 requires that the City Council review these requirements every 30 days, to determine whether in City Council and other City Commission meetings are still occurring during a proclaimed state of emergency, and whether state or local officials have imposed or recommended measures to promote social distancing. Staff has prepared Resolution No. 2022-21 for the City Council's consideration and adoption should the City Council determine during this 30-day review that the Council and other City legislative bodies are continuing to meet during a proclaimed state of emergency, and state and local officials continue to recommend measures to promote social distancing.

Should the City Council adopt proposed City Council Resolution No. 2022-21, the City will continue to follow certain procedures for its meetings. Those procedures required by AB 361 include the following:

- The City cannot require public comments to be submitted in advance of the meeting.
- Agencies may not close a public comment period until members of the public are given the opportunity to register and the time for that comment period has elapsed, whether it is for a specific agenda item or a general comment period. If an agency does not provide a timed public comment period, but takes public comment separately on each agenda item, it must allow a reasonable amount of time per agenda item to allow members of the public the opportunity to provide public comment, including time to register or "otherwise be recognized" for the purpose of providing public comment.
- In the event of a disruption that prevents the City from broadcasting the remote meeting, or in the event of a disruption within the City's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, AB 361 prohibits the legislative body from taking any further action on items appearing on the meeting agenda until public access to the meeting via the call-in or internet-based options is restored.

**FISCAL IMPACT:**

There is no significant financial effect to the City for invoking the procedures under AB 361. If the City chooses to comply with the provisions of AB 361 to allow remote

attendance of City Council or members of other legislative bodies of the City, some staff time and cost will be incurred in preparing agenda items to make monthly findings as to the need for the continued remote attendance by members. The City will continue to incur some cost by using Zoom at meetings for public attendance.

**ALTERNATIVES:**

1. Adopt Resolution No. 2022-21.
2. Not adopt the Resolution and require all in-person attendance by members of City legislative bodies but with the exception that allows the Planning Commission to adopt the findings to validate remote attendance by two members at a prior meeting of that Commission.

**ATTACHMENT:**

1. Resolution No. 2022-21  
<https://banningca.gov/DocumentCenter/View/10178/Resolution-2022-21>

Approved by:

A handwritten signature in blue ink, appearing to read 'DS', is written over a horizontal line.

Douglas Schulze  
City Manager





## CITY OF BANNING STAFF REPORT

**TO:** BOARD OF THE BANNING HOUSING AUTHORITY

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Laurie Sampson, Executive Assistant

**MEETING DATE:** March 8, 2022

**SUBJECT:** Resolution 2022-01 HA, Approval of Subordination Agreement for a Home Improvement Forgivable Loan

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### **RECOMMENDATION:**

That the Housing Authority Board Adopt Resolution 2022-01 HA, approving a Subordination Agreement for a Home Improvement Forgivable Loan for Real Property Located at 1468 N. 8<sup>th</sup> Street, Banning, CA, Assessor's Parcel No. 535-162-021.

### **BACKGROUND**

In April 2020, the Agency entered into an agreement through the Home Improvement Forgivable Loan Program, to provide a fully forgivable 10- year loan for health and safety improvements to the residence of the applicant.

The loan remains in place for the term of the loan providing the homeowner follows the criteria stated in the Promissory Note.

The applicant's request for a subordination agreement is supported by the terms of the Promissory Note dated April 13, 2020, Paragraph 1, Section b, whereby the applicant has secured a loan that will lower their monthly payment as required.

### **JUSTIFICATION:**

From time-to-time homeowner's desire to refinance their mortgages for more favorable terms and approval is at the discretion of the Housing Authority Board.

### **FISCAL IMPACT:**

None

### **OPTIONS:**

1. Approve as recommended.
2. Do not approve and provide alternative direction.

**ATTACHMENTS:**

1. Resolution 2022-01 HA

<https://banningca.gov/DocumentCenter/View/10180/Att-1-Resolution-2022-01-HA>

2. Subordination Agreement – 1468 N. 8<sup>th</sup> Street

<https://banningca.gov/DocumentCenter/View/10179/Att-2-Subordination-Agreement>

Approved by:

A handwritten signature in blue ink, appearing to read 'DS', is written over a horizontal line.

Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** James Wurtz Economic Development Manager

**MEETING DATE:** March 8, 2022

**SUBJECT:** Consideration of Resolution 2022-23 Authorizing the Purchase of 520 East Williams Street by the Banning Electric Utility Pursuant to Banning Electrical Utility's Economic Development Element

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### **RECOMMENDATION:**

Staff recommends City Council adopt Resolution 2022-23, authorizing the Banning Electric Utility to purchase real property located at 520 E. Williams Street, Banning CA, 92220 (APN: 541-150-008) pending completion of a professional appraisal. Staff are recommending Council approve the purchase amount up to the current asking price of \$399,000 for the purpose of supporting economic development initiatives and further diversification of Banning Electric Utility's (BEU) ratepayer structure and in direct support of the City of Banning's Strategic Plan.

### **BACKGROUND:**

The City of Banning Economic Development Program (ED Program) Policy adopted in 2011 as a result of initial work with participants of a "Draft General Plan Workshop." The vision outlined in the original document also took into consideration the Riverside County Economic Development Agency's (EDA) five-year strategic plan.

When the 2011 policy was adopted, there were several key elements in the Mission statement the most relevant in this case being:

1. Generating new business opportunities and support existing businesses that generate high-paying jobs and revenue;
2. Create a downtown where you can live, work, shop and play;
3. Supporting growth and maintenance of utilities and infrastructure to allow for responsible city growth and sustainability; and,
4. Maintaining well planned and safe neighborhoods for a strong community.

The City currently owns the land located at 447 E. Ramsey and the purchase of the subject property is in close proximity and will allow the City to further its goal of acquiring

vacant land in the Downtown Commercial District for future economic development purposes.

**JUSTIFICATION:**

Acquisition of property is consistent with the City's economic development strategies and the goal of providing high-skilled, high-wage jobs in the City. Banning Electric Utilities continues to be a logical partner in economic development. A locally controlled utility is part of a public service community team that cooperates on public works projects, downtown renovations, extension policies, business development, industrial parks and energy efficiency programs. Banning Electric Utility has an inherent interest in promoting the community's well-being and prosperity.

**CEQA:**

The environmental effects of the Project were studied and analyzed pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21000 *et seq.*, and the CEQA Guidelines, 14 Cal. Code Regs. Section 15000 *et seq.* ("CEQA Guidelines"). Pursuant to Section 15332 (Infill Development Projects) of Article 19 (Categorical Exemptions) of the State CEQA Guidelines, City Staff found that the Project is exempt from CEQA because the further use and development of this site will be consistent with the General Plan and Zoning, the site is less than five acres, it is located within the City's boundaries, the site has no value as habitat for endangered, rare or threatened species, the property is currently unutilized, and its acquisition by the City will not result in any significant effects related to traffic, noise, air quality or water quality.

**FISCAL IMPACT:**

The purchase price is up to \$399,000 (pending appraisal) plus escrow and title charges not to exceed \$5,000 for a total expenditure of up to \$404,000. Funds to be sourced from Account 673-7000-473.90-01 of the Electric Enterprise Fund.

**ALTERNATIVES:**

1. Adopt Resolution 2022-23 as recommended.
2. Adopt Resolution 2022-23 with modifications.
3. Reject Resolution 2022-23 and provide alternative direction.

**ATTACHMENTS:**

1. Resolution 2022-23  
<https://banningca.gov/DocumentCenter/View/10183/Att-1-Resolution-2022-23-Purchase-of-520-E-Williams-St>
2. Map of City owned Property at 447 E. Ramsey & Subject Property 520 E. Williams Street  
<https://banningca.gov/DocumentCenter/View/10181/Att-2-520-E-Williams>

3. MLS listing of 520 E Williams Street

<https://banningca.gov/DocumentCenter/View/10182/Att-3-520-Williams-Listing>

Approved by:

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Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Nate Smith, Deputy Director of Public Works/City Engineer

**MEETING DATE:** March 8, 2022

**SUBJECT:** Accept Various Improvements within the Atwell Specific Plan Development and Authorize the 90% Bond Exoneration for Various Improvement Bonds

---

### **RECOMMENDATION:**

City Council accept various public improvements constructed within the Atwell Specific Plan development and authorize the 90% bond exoneration for said improvements.

### **BACKGROUND:**

On June 25, 2019 City Council adopted Resolution 2019-73 approving Final Tract Map No. 37365, releasing the map for recordation; authorizing staff to sign the Subdivision Improvement Agreement and Final Tract Map; and accepting the Performance and Labor and Material Bonds for public improvements.

As a condition of the development Pardee was required to sign a Subdivision Improvement Agreement and submit bonds to assure the City that the required public improvements including street, sewer, water, non-potable water and storm drain improvements are constructed according to City standards and specifications.

### **JUSTIFICATION:**

Staff has verified that the improvements related to the bonds were completed per City standards and specifications and recommends that City Council accept the improvements and authorize the 90% bond exoneration for the following bonds:

<u>Bond #</u>	<u>Bond Amount</u>	<u>Improvements</u>
CMS331812	\$541,937.50	PA4A/9B Water
CMS331813	\$126,132.00	PA4A/9B Storm Drain
CMS331814	\$493,189.00	PA4A/9B Sewer
CMS331815	\$1,080,695.31	PA4A/9B Streets



**FISCAL IMPACT:**

Not applicable

**ALTERNATIVES:**

Do not accept staff's recommendation and provide staff with additional direction.

**ATTACHMENT:**

1. Subdivision Improvement Agreement TM 37365  
<https://banningca.gov/DocumentCenter/View/10184/Attachment-1-SIA-37365>

Approved by:

A handwritten signature in blue ink, appearing to read 'DS', is written over a horizontal line.

Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Jason Smith, Electric Operations Manager

**MEETING DATE:** March 8, 2022

**SUBJECT:** Proposed Amendment to IBEW Utility Unit MOU to Add Powerline Technician Apprenticeship Agreement

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### **RECOMMENDATION:**

Staff requests City Council discussion and possible action approving the revised Power Line Technician Apprenticeship Program and coordinate updates to the IBEW Utility Unit MOU.

### **BACKGROUND:**

Banning Electric Utility has long trained its Powerline Technician Apprentices in conjunction with The California/Nevada Joint Training Center (NJATC). This apprenticeship program is now approved from the California Department of Labor.

### **JUSTIFICATION:**

By updating the Apprenticeship Program, the Utility can employ highly trained individuals which are recognized by the State and Federal Labor agencies in addition to the International Brotherhood of Electrical Workers (IBEW). Employees who complete the apprenticeship will now also earn college credits through the joint training.

### **FISCAL IMPACT:**

None.

### **ALTERNATIVES:**

1. Approve as recommended.

### **ATTACHMENTS:**

1. Resolution 2022-19  
<https://banningca.gov/DocumentCenter/View/10195/Att-1-Resolution-2022-19-Electric-Apprenticeship-Program>

2. BEU Power Line Apprenticeship Agreement and Curriculum  
<https://banningca.gov/DocumentCenter/View/10196/Att-2-Apprenticeship-Agreement-and-Curriculum>
3. U.S. Dept. of Labor Program Approval  
<https://banningca.gov/DocumentCenter/View/10198/Att-3-DOL-Approval>
4. U.S. Dept. of Labor Certificate of Registration of Apprenticeship Program  
[https://banningca.gov/DocumentCenter/View/10192/Att-4-Registration\\_Certificate\\_DOL](https://banningca.gov/DocumentCenter/View/10192/Att-4-Registration_Certificate_DOL)
5. Apprenticeship Standards  
<https://banningca.gov/DocumentCenter/View/10193/Att-5-Banning-Boilerplate-Standards-2020>

Approved by:

  
\_\_\_\_\_  
Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Art Vela, Director of Public Works

**MEETING DATE:** March 8, 2022

**SUBJECT:** Adopt Resolution 2022-20, Approving Amendment No. 4 to the Professional Services Agreement with Engineering Resources of Southern California (ERSC) to Extend the Term for an Additional Year and to Increase the Total Compensation by \$1,000,000 for Plan Check, Inspections and Related Administrative Services

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### **RECOMMENDATION:**

Staff Recommends that the City Council adopt Resolution 2022-20:

1. Approving Amendment No. 4 to the Professional Services Agreement with Engineering Resources of Southern California (ERSC) for an additional \$1,000,000 for plan check, inspections and related administrative services.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement Amendment No. 4 with ERSC.
3. Authorizing the City Manager or his designee to execute extension of the Professional Services Agreement with ERSC for one (1) additional year, valid through June 30, 2023.

### **BACKGROUND:**

The Public Works Department, currently staffed with three full-time engineers and one inspector, administers an array of services including management of capital improvement and infrastructure projects related to the design and construction of water, wastewater, streets, storm drain and building infrastructure. In addition to managing public works projects, staff is also responsible for processing (e.g. plan checks, inspections, etc.) private land development projects.

Due to staff resources and the anticipated workload related to land development projects such as the Atwell Development (previously known as the Butterfield Specific Plan), the City Council adopted Resolution No. 2019-05 on January 8, 2019 awarding a professional services agreement to ERSC for plan checks, inspections and related administrative services in the amount of \$250,000 on an as needed basis.

This agreement has been amended three times thus far. On January 14, 2020, the City Council adopted Resolution No. 2020-05, approving Amendment No. 1 to increase the contract amount by \$350,000. On May 12, 2020, the City Council adopted Resolution 2020-58, approving Amendment No. 2 to increase the contract amount by \$750,000 and to extend the term of the agreement through June 30, 2021. Finally, on May 11, 2021, the City Council adopted Resolution 2021-37, approving Amendment No. 3 to increase the contract amount by \$850,000 and to extend the term of the agreement through June 30, 2022.

Due to the continued workload related to the Atwell Development and associated off-site improvements for water and wastewater infrastructure, staff recommends an increase in compensation in the amount of \$1,000,000 to the existing agreement with ERSC to cover the additional plan check and inspection services.

To maintain continuity of services for the Atwell project, as well as other development projects throughout the City, this resolution would also grant the remaining single year contract extension at this time. The contract would be valid through June 30, 2023.

Billing rates payable to ERSC for inspection services are tied to Prevailing Wage Law and rates set by the California Department of Industrial Relations. Those rates have been revised, and this amendment will permit these higher rates to be paid in accordance with California law.

#### **JUSTIFICATION:**

ERSC has done an excellent job providing the required services (e.g. plan checks, review of technical studies and construction inspections) to meet the demands of Tri Pointe's (formerly Pardee Homes) Atwell development. It is anticipated that the additional demands for inspection of off-site improvements created by Tri Pointe's project will continue through June 30, 2023, hence staff's recommendation to increase the compensation. If approved, Amendment No. 4 will ensure that we process development projects in a timely manner and that the City's infrastructures will continue to be inspected for compliance with the City's plans, standards and specifications.

The amount of offsite City infrastructure work under inspection services from ERSC is expected to intensify over the next 9 to 12 months, necessitating increase in inspectors, and the increase in allowable budget.

**FISCAL IMPACT:**

An appropriation from the General Fund in the amount of \$1,000,000 to Account No. 001-3000-442.33-53 is necessary and will be directly offset by revenues collected from plan check and inspection fees collected by the Public Works Department. Funds exhausted to date have been 100% recovered by said fees, which are collected prior to providing ERSC the approval to proceed with work.

**ALTERNATIVES:**

Do not approve Resolution 2022-20. This alternative would cause a reduction in the level of service to the Atwell development project, especially in the off-site infrastructure improvement inspections. Additionally, staff would have less time to work on the City's capital improvement projects.

**ATTACHMENTS:**

1. Resolution No. 2022-20  
<https://banningca.gov/DocumentCenter/View/10185/Attachment-1---Resolution-2022-20>
2. Original Agreement with ERSC  
<https://banningca.gov/DocumentCenter/View/10203/Att-2-Original-Agreement-C00472-ERSC>
3. Amendment No. 1  
<https://banningca.gov/DocumentCenter/View/10204/Att-3-C00472-ENGINEERING-RESOURCES-OF-SOUTHERN-CALIFORNIA-AMENDMENT-1>
4. Amendment No. 2  
[https://banningca.gov/DocumentCenter/View/10205/Att-4-C00472\\_ENGINEERING\\_RESOURCES\\_OF\\_SOUTHERN\\_CALIFORNIA\\_AMENDMENT\\_2](https://banningca.gov/DocumentCenter/View/10205/Att-4-C00472_ENGINEERING_RESOURCES_OF_SOUTHERN_CALIFORNIA_AMENDMENT_2)
5. Amendment No. 3  
[https://banningca.gov/DocumentCenter/View/10206/Att-5-C00472\\_ENGINEERING\\_RESOURCES\\_OF\\_SOUTHERN\\_CALIFORNIA\\_ERSC\\_AMENDMENT\\_3](https://banningca.gov/DocumentCenter/View/10206/Att-5-C00472_ENGINEERING_RESOURCES_OF_SOUTHERN_CALIFORNIA_ERSC_AMENDMENT_3)

Approved by:



Douglas Schulze  
City Manager





## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Art Vela, Director of Public Works  
Holly Stuart, Public Works Program Manager

**MEETING DATE:** March 8, 2022

**SUBJECT:** Resolution 2022-22, Approving a Change Order in the Amount of \$35,000 to the Existing Purchase Order with Lee's Auto Body for as Needed Auto Body Repair Services

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### **RECOMMENDATION:**

City Council adopt Resolution 2022-22:

1. Approving an Increase to the Purchase Order with Lee's Auto Body, of Beaumont, California for auto body repairs services as needed in the amount of \$35,000 for a total amount of \$60,000.
2. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to Lee's Auto Body.

### **BACKGROUND:**

The Public Works Department, Fleet Division, maintains and repairs over 200 city-owned automobiles and pieces of equipment, through in-house and contract service repairs. The Public Works Department does not have the required staff or necessary equipment to perform auto body repair services; therefore, it has been necessary to retain an auto body shop to provide these services. As a result, the City has been soliciting services from several local vendors including Lee's Auto Body, who have continued to provide satisfactory and responsive services with reasonable rates.

At this time, staff determined a Fiscal Year 2022 expenditure increase for Lee's Auto Body in the amount of \$35,000 is necessary to cover auto body repair costs for the remained of the fiscal year. If approved the total expenditure approval for Lee's Auto Body for Fiscal Year 2022 will amount to \$60,000. The proposed increase includes all labor, tools, materials and equipment necessary to perform auto body repair services. Current Fiscal Year 2022 expenditures for Lee's Auto Body amount to approximately \$15,400.

**JUSTIFICATION:**

Per the Purchasing Policy, City Council consent is required for purchases where supplies or services exceed \$25,000. Auto body repair services are necessary in order to maintain City-owned and operated vehicles. The Public Works Department does not have the required staff or necessary equipment to perform these services.

If approved, the compensation of the existing purchase order in the amount of \$25,000 will increase to a total "not to exceed" \$60,000 for Fiscal Year 2022.

**FISCAL IMPACT:**

The operational budget of the Fleet Division (Fund 702) will be utilized to fund auto body repair services. An appropriation in the amount of \$35,000 to Account 702-3800-480.30-05 (Repair/Maint. Vehicles) is necessary.

**ALTERNATIVES:**

The City Council may choose to reject staff's recommendation and provide alternative direction.

**ATTACHMENT:**

1. Resolution 2022-22

[https://banningca.gov/DocumentCenter/View/10191/Attachment-1\\_Resolution-2022-22](https://banningca.gov/DocumentCenter/View/10191/Attachment-1_Resolution-2022-22)

Approved by:

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Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Art Vela, Director of Public Works

**MEETING DATE:** March 8, 2022

**SUBJECT:** Approve Notice of Completion for Project No. 2021-02, "AC Overlay for Various Streets"

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### **RECOMMENDATION:**

That the City Council accept Project No. 2021-02, "AC Overlay for Various Streets" as complete, authorize the City Manager or his designee to sign the Notice of Completion and direct the City Clerk to record the Notice of Completion.

### **BACKGROUND:**

On October 12, 2021, City Council adopted Resolution 2021-96 awarding a Construction Agreement to Vance Corporation for Project No. 2021-02, "AC Overlay for Various Streets". The project was approved in the amount of \$578,577.00 with a 10% contingency for a total project budget of \$636,434.70.

The principal items of work included the grinding of existing asphalt concrete (AC) pavement; constructing new AC; crack sealing of existing AC pavement; remove and replace broken sidewalks, curb and gutters; remove and replace access ramps to comply with ADA requirements; and remove and replace all affected pavement markings and striping. The work was performed at various locations throughout the City of Banning as shown in Attachment 2.

There is no change order on this project. The actual final amount paid to the contractor is \$567,798.50 which is approximately 2% under the awarded contract amount.

### **JUSTIFICATION:**

The lowest qualified bidder, Vance Corporation was awarded the contract and work was completed on February 2, 2022. Public Works staff verified through inspections that the workmanship, materials, and procedures were satisfactory, and that the contractor had met the required contract obligations.

**FISCAL IMPACT:**

The original contract was awarded in the amount of \$578,577.00 and the final contract amount for this project is \$567,798.50 which is under the allocated project budget approved under Resolution 2021-96. The project was funded by SB 1 fund.

**ALTERNATIVE:**

City Council may elect to not accept the project as complete which would keep the project open and prevent the release of retention funds to the contractor.

**ATTACHMENTS:**

1. Notice of Completion  
<https://banningca.gov/DocumentCenter/View/10186/Attachment-1---NOC-Project-No-2021-02>
2. Project Locations  
<https://banningca.gov/DocumentCenter/View/10187/Attachment-2---Project-Locations>

Approved by:

  
\_\_\_\_\_  
Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Laurie Sampson, Executive Assistant  
Kevin G. Ennis, City Attorney

**MEETING DATE:** March 8, 2022

**SUBJECT:** Introduction and First Reading of Ordinance 1581, an Ordinance of the City of Banning Adjusting the Boundaries of the Five (5) City Council Districts and Adopting a New Official Council District Map for the City of Banning Based on the Results of the 2020 Decennial Census

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### **RECOMMENDATION:**

1. Open the public hearing and receive public comment and input regarding Ordinance 1581, an Ordinance of the City of Banning adjusting the boundaries of the five (5) City Council Districts and adopting a new official Council District Map for the City of Banning based on the results of the 2020 Decennial Census; and
2. Introduce Ordinance No. 1581 for first reading and direct that it be placed on the City Council agenda for second reading and adoption at the March 22, 2022 City Council Meeting.

### **SUMMARY:**

The Public Hearing scheduled for March 8, 2022, represents the fifth in a series of public hearings required under the California Elections Code Section 21600 *et seq.* as part of the redistricting process undertaken following each decennial federal Census. Public Hearings were held on November 9, 2021, December 14, 2021, January 25, 2022 and February 8, 2022, where presentations were provided by City Attorney Kevin G. Ennis and City Staff on the redistricting process and criteria; 2020 Census data was reviewed and discussed; paper and online mapping tools available for public participation were demonstrated; and the City Council direction was provided on district boundary mapping alternatives to be explored. Additionally, these hearings provided opportunities for public participation, input, comment, and testimony on the redistricting process, communities of interest, and potential boundary adjustments for consideration. At the January 25, 2022 Public Hearing, the City Council set a deadline of February 8, 2022 for the public to submit maps. By that deadline, no alternative maps were presented. At the February 22, 2022

Public Hearing, the City Council received a request by a group to present a map but because that map was not presented by the deadline, the Council did not waive the deadline and did not direct staff to evaluate or consider that map.

During the January 25, 2022 public hearing, the City Council reviewed the City staff proposed map.

## **BACKGROUND:**

### **Transition to District-Based Elections**

The City of Banning completed the process set forth in the California Voting Rights Act (CVRA) in 2016 and transitioned from a system of “at-large” elections to a system of “district-based” elections for electing Councilmembers. The threat of litigation claimed the City’s at-large election system was racially polarized, resulting in minority vote dilution in violation of the CVRA. The intent of having district-based elections was to create majority minority districts and allow individuals from protected classes an opportunity to be elected to remain in compliance with the CVRA. Other background information regarding the CVRA and the procedures which led to convert to a district-based election process for electing City Councilmembers is available on the City’s website at <https://banningca.gov/470/2016-City-Council-Elections-by-Districts> including the staff reports, videos and other relevant information for the prior meetings and public hearings from June 6, 2016, to June 7, 2016.

On June 28, 2016, the City Council adopted Ordinance No. 1497 transitioning the City’s manner of election from an “at-large” system where all voters regardless of residence location within the City may vote for all Councilmembers to a “district” based system where only voters residing within a geographical district may vote for one Councilmember representing that district. Ordinance No. 1497 established City Council district boundaries pursuant to a map entitled “Smith Map 1”, which was incorporated into Ordinance No. 1497 as the Exhibit A Council District Map. Ordinance No. 1497 also established district-based election sequencing with Districts 1, 2 and 3 elected in 2016 and every four years thereafter, and Districts 4 and 5 elected in 2018 and every four years thereafter. The first district-based election was held on November 8, 2016. The process of transitioning to district elections was facilitated by National Demographics Corporation, Inc. (NDC) who provided demographic information, public outreach, and assistance with drafting maps for the formation of proposed districts. The population of the City of Banning in 2010 was 29,603. For the purpose of districting, the population in each district is approximately 5,920.

### **Requirement for Redistricting, Redistricting Deadline, and Fair Maps Act Criteria**

Every 10 years, jurisdictions that have district-based elections are required to review district boundaries based on the results of the decennial Census to ensure equal representation based on population growth and to adjust district boundaries, if necessary, to reflect changes in population.

Historically, Census results have been released by the end of March in the year following the Census; however, 2020 results were not provided to states until August 12, 2021, due to Census delays caused by the COVID-19 pandemic. On September 27, 2021, California's Statewide Database released official population data for local governments, which is based on federal 2020 Census data with adjustments for incarcerated populations. The official 2020 population for the City of Banning is 29,505. For the purposes of districting, each of the four council districts must have approximately 5,901 people.

California Elections Code Section 21602 *et seq.* establishes timeframes for completion of redistricting following the release of Census results. The City's next regularly scheduled election will be held on November 8, 2022. Section 21602(a)(3) of the Elections Code applies to cities conducting its next regular election on or after July 1, 2022 and reads: "For redistricting occurring before 2031 and where a city does not have a regular election occurring after January 1, 2022, and before July 1, 2022, the boundaries of the council districts shall be adopted by the council not later than 205 days before the city's next regular election occurring on or after July 1, 2022." Based on the provisions of the Elections Code, the City must adopt Council Districts on or before April 17, 2022, which is 205 days prior to the next City Council election on November 8, 2022.

## **DISCUSSION**

This evening's public hearing represents the fourth in a series of public hearings required under the Fair Maps Act to complete the redistricting process for the City. The goals of this public hearing include: 1) review any maps submitted by the members of the public subsequent to the January 25, 2022 public hearing; 2) conduct the fourth public hearing to receive comment and testimony from residents regarding additional maps submitted and on the Draft Map submitted by Staff; and 3) if so desired, request an ordinance be drafted for first reading proposing adoption of the Draft Map and supporting demographic data, to be placed on the March 8, 2022, regular City Council meeting agenda. Set March 22, 2022, as the date for second reading and adoption of this Ordinance.

The deadline for submittal of maps from members of the public was February 8, 2022. The City utilized its social media platforms (Facebook and Twitter) as well as the City website with a posting to encourage participation and notify residents of the map submittal deadline. No map submission from members of the public were received.

### **Redistricting Public Hearing Recap**

The first redistricting public hearing was held on November 9, 2021, and provided an overview of the redistricting requirements and process and included an overview of the federal Voting Rights Act and the California Voting Rights Act (CVRA) criteria; presentation of a demographic summary of the current Council districts based on the 2020 Census population data; discussion of the various mapping tools available for the public and interested parties to use; and provided the opportunity for the public testimony and input on the redistricting process for the redrawing of Council District boundaries.

The second public hearing held on December 14, 2021, included the above as well as Staff provided Draft Map #1 with all supporting data.

The third public hearing held recapped the information provided in the previous two public hearing. At the third public hearing, the City Council set the deadline for public submission of alternative maps as February 8, 2022.

The fourth public hearing held on February 22, 2022 presented a PowerPoint Presentation of the Draft Map #1 and opened the discussion of a request to accept a draft map after the deadline set at the January 25, 2022 meeting. The request was not approved.

#### **Draft Map Submitted by Staff**

The Draft Map #1 prepared by Staff applied an ideal population of 5,901 residents per district (total population 29,505 divided by five (5) district) and applied the criteria set forth in the Fair Maps Act by maintaining geographic integrity and utilizing easily recognizable streets in making boundary adjustments to achieve a district map with substantially similar population in each district.

It should be noted that the criteria of the Fair Maps Act were carefully considered as part of exploring mapping alternatives. The adjustments made respect the Fair Maps Criteria, incorporate changes made to census blocks as part of the conduct of the 2020 Census, and consider future population growth that will result based on currently contemplated development within the City of Banning.

The Draft Map #1 is included as Exhibit A and supporting demographic statistics as Exhibit B to the attached draft ordinance. The resulting by-district population and deviation for the map are as follows:

<b>Council District</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Total</b>
2020 Census	6,114	5,986	5,937	5,705	5,763	29,505
Deviation from Ideal	213	85	36	-196	-138	0
% Deviation	Formula $6,114 - 5731 = 411 / 5901$ (Ideal)					7.00%

The percentage deviation of the Draft Map #1 is 7% which is within the 10% that has been found to be legally acceptable by the courts. Staff requests that the City Council receive public testimony on this map and consider introduction of an ordinance to adopt the Draft Map #1.

#### **PUBLIC NOTICE**

Elections Code Section 21608 (c) requires publication of the date, time, and location of any public hearing or workshop at least five days before the hearing or workshop. Pursuant to this requirement, English and Spanish hearing notices were posted on the City's Website on March 2, 2022 for the March 8, 2022 Meeting. Additionally, English,



and Spanish public hearing notices were published in the Record Gazette on Friday, February 25, 2022 for the March 8, 2022 Meeting. English and Spanish public hearing notices were also posted in the City's public notice case located at the front door of City Hall at 99 East Ramsey Street, Banning, California 92220.

Additionally, Elections Code Section 21608(d)(1) requires a draft map shall be published for at least seven days before being adopted by the City Council as a final map. The Draft Map #1 was posted on the City's webpage at <https://banningca.gov/717/2020-Draft-District-Maps> on January 6, 2022.

### **CEQA COMPLIANCE**

Adjusting the district boundaries from which voters elect their City Council Members is exempt from review under the California Environmental quality Act (CEQA) pursuant to Section 15061 (b)(3) of the State CEQA Guidelines because it can be seen with certainty that the change will not have any potentially significant adverse impact on the environment.


### **FISCAL IMPACT:**

The costs to conduct the redistricting process, including costs for advertising for a series of four public hearings, bilingual translation costs for hearing notices and outreach communications, bilingual translator meeting attendance, and City Attorney costs will be paid from account 001-1500-412.33-11. To date, these services have totaled \$3,453.36.

### **ATTACHMENTS:**

1. Draft Ordinance 1581  
<https://banningca.gov/DocumentCenter/View/10190/Att-1-Draft-Ordinance-1581-Final>
2. Public Hearing Notice Proof of Publication English  
<https://banningca.gov/DocumentCenter/View/10188/Att-2-Public-Hearing-Ordinance-1581-English>
3. Public Hearing Notice Proof of Publication Spanish  
<https://banningca.gov/DocumentCenter/View/10189/Att-3-Public-Hearing-Ordinance-1581-Spanish>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Adam Rush, Community Development Director

**MEETING DATE:** March 8, 2022

**SUBJECT:** Consideration of Resolution 2022-24 Approving Tentative Parcel Map 38206 (TPM 21-4502), A Proposed Subdivision of One (1) 0.71-Acre Parcel into Two (2) Single-Family Residential Lots within the Low-Density Residential District and Located Southernly of Wilson Street and Approximately 400-Foot Westerly of Via Panorama Court (APN: 540-020-073)

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### **RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution No. 2022-24:

1. In accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Tentative Parcel Map No. 38206 and determined that pursuant to CEQA Section 15315 (Minor Land Divisions), the Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA").
2. Approving Tentative Parcel Map No. 38206, subject to compliance with the Conditions of Approval, which are attached herein.

### **PROJECT / APPLICANT INFORMATION:**

Project Location: 1462 W. Wilson Street

APN Information: 540-020-073

Project Applicant: Nam Tran  
576 E. Lambert Road  
Brea, CA 92821

Property Owner: Peng Zhang & Li Cao  
1462 W. Wilson Street  
Banning, CA 92220

### **PROJECT DESCRIPTION:**

The 0.71-acre parcel is developed with a single-family home with attached garage and detached accessory structure. In 2016, the accessory structure was converted to a “guest house” creating two single-family dwelling units on the property. The applicant is requesting a subdivision of the single parcel into two separate parcels within Low-Density Residential (LDR) zoned properties. Lot 1 is proposed to be 13,343 square feet in size and Lot 2 is proposed to be 17,309 square feet (including easement of 2,499 square feet). The subdivision will create new parcels that are consistent with the LDR Zone.

### **ANALYSIS:**

The Project is located within a residential community where single-family homes are abundant and adjacent to the project in all directions. The average lot size, of adjacent and surrounding lots, is approximately 1/3 of an acre, which is highly consistent the proposed subdivision.

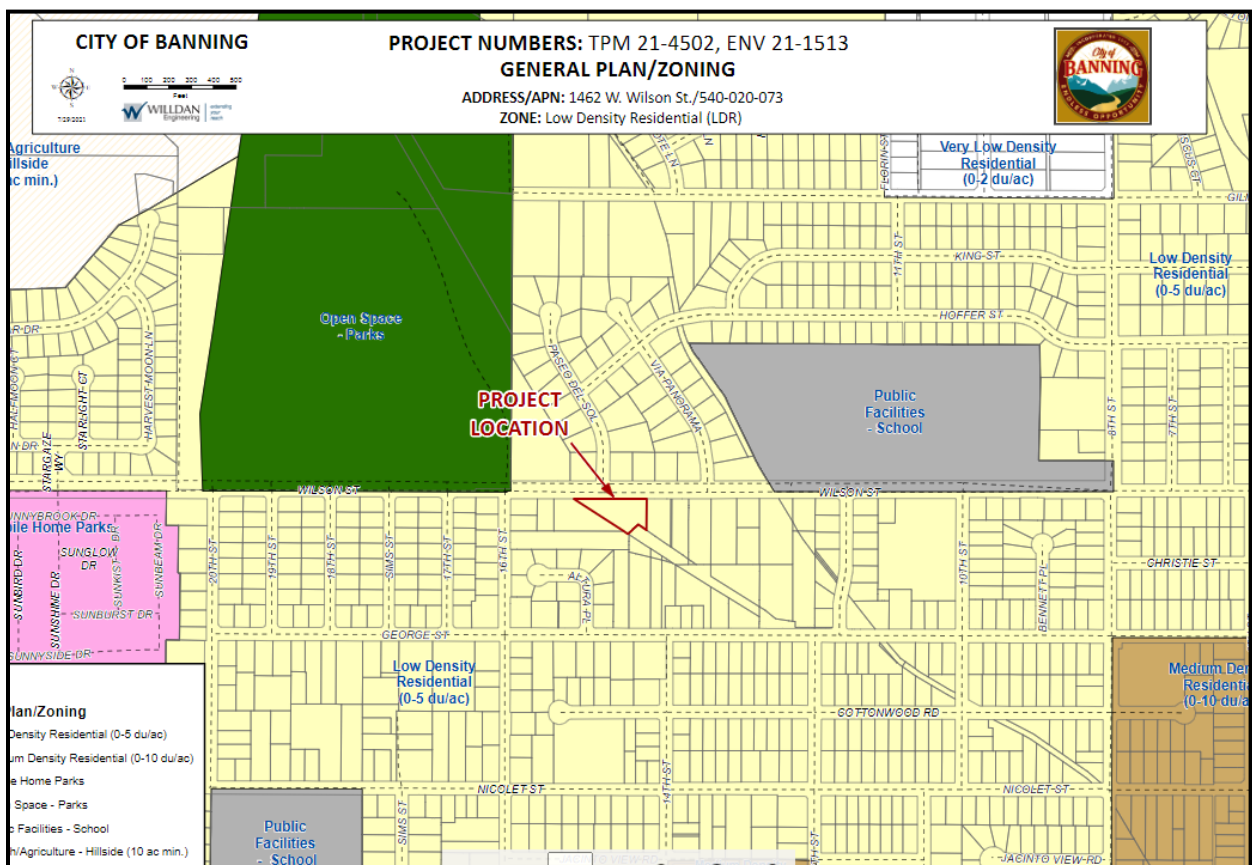
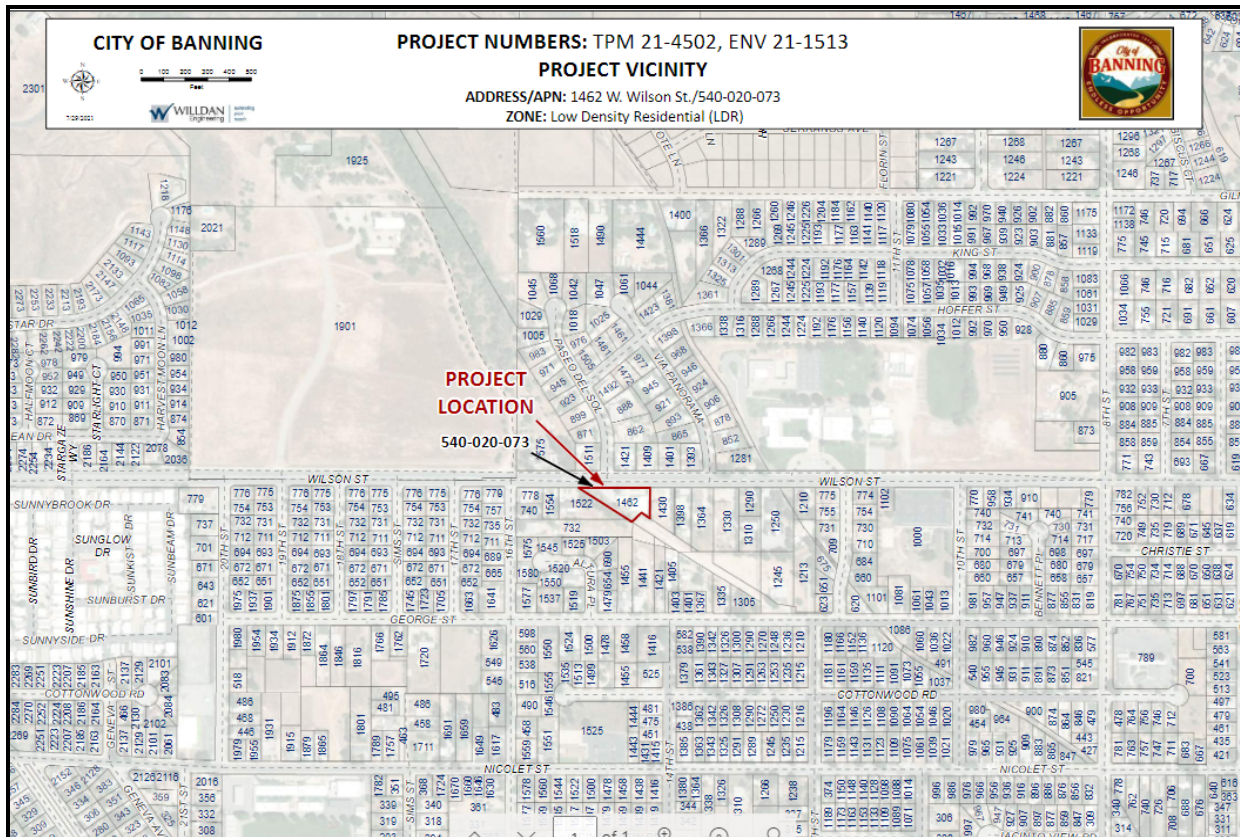
#### **Surrounding Land Use**

The developed site is located on the south side of Wilson Street between 12<sup>th</sup> & 16<sup>th</sup> Street. The property is surrounded by Low-Density Residential in all directions with primarily one-story single-family homes.

The nature of the surrounding uses, zoning classifications, and General Plan land use designations are delineated for the City Council’s consideration in the following table:

**Land Use Summary Table**

	<b>Existing Land Use</b>	<b>Zoning Classification</b>	<b>General Plan Designation</b>
<b>Subject Site</b>	SFR	LDR	LDR
<b>North</b>	SFR	LDR	LDR
<b>South</b>	SFR	LDR	LDR
<b>East</b>	SFR	LDR	LDR
<b>West</b>	SFR	LDR	LDR



### Development Standards

Below illustrates that the newly created parcels will meet the minimum lot dimensions and setback standards for the Low-Density Residential District:

MINIMUM LOT DIMENSIONS	LDR	LOT 1	LOT 2
Minimum Lot Size	7,000 sf	13,343 sf	17,309 sf
Lot Depth	90 ft	>90 ft	>90 ft
Lot Width	70 ft	>70 ft	>70 ft
Front Yard Setback	20 ft	25 ft	25 ft
Side Yard Setback	10 ft	10 ft/10 ft	10 ft/10 ft
Rear Yard Setback	15 ft	>15 ft	>15 ft

Both existing dwelling units are one-story with attached garages. Lot 1 has a 3,374 sq. ft home with a 493 sq. ft. garage and Lot 2 (guest house) has a 1,040 sq. ft. home with a 320 sq. ft garage. The maximum size for a guest house or accessory dwelling unit (ADU) is 1,200 sq. ft. With the proposed subdivision, Lot 2 will be an independent single-family zoned property that may increase the square footage of the home to allow more than the otherwise would be restricted to 1,200 sq. ft.

### Easement

A flood channel easement is located at the southwesterly portion the of the site and is within FEMA's Special Flood Hazard Areas. However, as per the determination letter prepared by the applicant's hired engineering consultant dated September 17, 2021, the residence constructed with City Permit No. 13-130, dated May 1, 2013 located in the proposed Parcel 2 is not within the potential flood zone according to more recent FEMA Flood Map data.

### **ENVIRONMENTAL DETERMINATION:**

Planning Division staff has determined that this Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15315 (Minor Land Divisions) because:

*Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.*

**PUBLIC COMMUNICATION:**

The proposed Project was advertised in the Record Gazette newspaper on February 25, 2022. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

**ATTACHMENTS:**

1. Resolution 2022-24 including Exhibit A: Conditions of Approval  
<https://banningca.gov/DocumentCenter/View/10210/Att-1-Resolution-2022-24-TPM-38206>
2. Project Plans  
<https://banningca.gov/DocumentCenter/View/10211/Att-2-Combined-Plans>
3. Notice of Exemption  
[https://banningca.gov/DocumentCenter/View/10208/Att-3-TPM-38206\\_NOE](https://banningca.gov/DocumentCenter/View/10208/Att-3-TPM-38206_NOE)
4. Public Hearing Notice and Affidavit of Mailing  
<https://banningca.gov/DocumentCenter/View/10209/Att-4-TPM-38206-final>

Approved by:

A handwritten signature in blue ink, appearing to read 'DS', is written over a horizontal line.

Douglas Schulze  
City Manager